

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

AMERICAN CREDIT ACCEPTANCE, LLC,	:	Case No. 1:12-CV-00737
Plaintiff,	:	Chief Judge Susan J. Dlott
v.	:	
KARABE ACCEPTANCE, INC., <i>et al.</i> ,	:	ORDER GRANTING IN PART
Defendants.	:	PLAINTIFF'S MOTION FOR
	:	PRELIMINARY INJUNCTION

This matter is before the Court on Plaintiff American Credit Acceptance, LLC's motion for a temporary restraining order and a preliminary injunction. (Doc. 8.) On October 3, 2012, the Court issued a temporary restraining order ("TRO") enjoining Defendants from: (1) communicating to consumers that Plaintiff is a "fraud" or otherwise not entitled to collect payments on the vehicle finance contracts at issue ("Consumer Contracts"); (2) advising consumers that they should not make payments to Plaintiff; (3) soliciting or accepting from consumers any payment due under the Consumer Contracts; (4) performing any form of servicing on the Consumer Contracts; and (5) obtaining duplicate original titles to the vehicles financed by the Consumer Contracts. (Doc. 11.)

The Court held a preliminary injunction hearing on the matter on October 26, 2012, at which time Plaintiff presented numerous documents and both parties presented witness testimony. With respect to the specific TRO restrictions, Plaintiff failed to present admissible evidence regarding whether Defendants communicated to consumers that Plaintiff is a fraud or otherwise not entitled to collect payments on the Consumer Contracts. Likewise, Plaintiff presented no admissible evidence regarding whether Defendants advised consumers that they should not make payments to Plaintiff. As to the other TRO restrictions, Defendant Aaron Muth,

the sole owner of Karabe Acceptance, Inc. and CarZoom Auto Credit, LLC, testified that he received multiple payments from consumers after Plaintiff assumed the role of Backup Servicer. Muth also testified that he obtained multiple duplicate original titles to the vehicles finance by the Consumer Contracts.

Considering this evidence, the Court hereby GRANTS IN PART Plaintiff's motion for a preliminary injunction. IT IS HEREBY ORDERED that Defendants, Karabe Acceptance, Inc., CarZoom Auto Credit, LLC, Aaron Muth, and Bryan Metzger, their officers, agents, servants, employees, attorneys and those persons in active concert or participation with the Defendants who receive actual notice of this Order are preliminarily enjoined from:

- (1) Soliciting or accepting from consumers any payment due under the Consumer Contracts;
- (2) Performing any form of servicing on the Consumer Contracts; and
- (3) Obtaining duplicate original titles to the vehicles financed by the Consumer Contracts.

**IT IS SO ORDERED.**

S/Susan J. Dlott \_\_\_\_\_  
Chief Judge Susan J. Dlott  
United States District Court